

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ROBERT MARTIN,) Case No. CV 14-2812-UA (PJWx)
Plaintiff,) [PROPOSED] ORDER SUMMARILY REMANDING
v.) IMPROPERLY-REMOVED ACTION
SHAVON DAVIS,)
Defendant.)

)

Before the Court is an unlawful detainer action that has been removed from the Los Angeles County Superior Court. For the following reasons, the case is summarily remanded to the state court.

On April 11, 2014, Defendant Shavon Davis, having been sued in the Superior Court of Los Angeles in what appears to be a routine unlawful detainer action, removed the action to this court. Simply stated, because Plaintiff could not have brought this action in federal court in the first place (because there is no subject matter jurisdiction), removal of the action is improper. 28 U.S.C. § 1441(a); see *Exxon Mobil Corp. v. Allapattah Svcs., Inc.*, 545 U.S. 546, 563 (2005). The case does not meet the requirements of 28 U.S.C. § 1331 because it does not raise a federal question. See 28 U.S.C. §§ 1331. And it does not meet the requirements of diversity

1 jurisdiction because, even assuming that Defendant could establish
2 that there was complete diversity of citizenship between the parties,
3 she could not show that the amount in controversy exceeds \$75,000, as
4 the Complaint makes clear that there is less than \$10,000 in dispute.
5 See 28 U.S.C. §§ 1332.

6 Accordingly, IT IS ORDERED that (1) pursuant to 28 U.S.C.
7 § 1447(c), this matter is REMANDED to the Superior Court of
8 California, County of Los Angeles, 1725 Main Street, Santa Monica,
9 California 90401; (2) the clerk shall send a certified copy of this
10 Order to the state court; and (3) the clerk serve copies of the Order
11 on the parties.

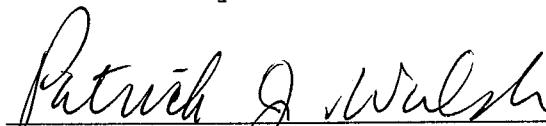
12 IT IS SO ORDERED.

13 DATED: 4/27/14

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GEORGE H. KING
UNITED STATES DISTRICT JUDGE

Presented by:


PATRICK J. WALSH
UNITED STATES MAGISTRATE JUDGE